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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,284	08/16/2000	Yiming Ye	YOR9-2000-0149US1 (8728-3)	2916

7590

07/29/2003

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EXAMINER

AMINI, JAVID A

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 07/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/640,284

Applicant(s)

YE, YIMING

Examiner

Javid A Amini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☒ Claim(s) 1-26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: |

Response to Arguments

Applicant's arguments filed May 06, 2003 have been fully considered but they are not persuasive.

- ❖ Response to remarks on page 2, lines 4-6, regarding “reference” in the office action: Applicant should consider the given information and compare to what applicant is claiming, to prevent possible inherently. For example refer to lines 13 and 20 from “reference” page 2, of office action.
- ❖ Response to remarks on page 2, lines 7-15, regarding claims 1-26 rejection under 35 U.S.C. 112: Applicant fails to specify “how does the control section work? And, does it control by a person or by a machine?”
- ❖ Response to remarks on page 3, lines 5-12: Applicant in line 8, discloses that sending controller and receiving controller would be understood to other skilled in the art as a system and/or method for controlling a position and orientation of a signal display and selecting and adjusting the position, orientation, and zoom of a visual recording device, respectively. Contrary the applicant’s procedures does not enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Because for each step in Fig. 1, there are many methods and procedures (hardware/software) available or can be modify to obtain proper results (for example sending/receiving controllers). A person skilled in the art will find out the method and procedures by spending more time, however the purpose of applicant’s invention should minimize the spending time for a person skilled in the art!

- ❖ Response to remarks on page 3, line 15, regarding second paragraph of 35 U.S.C. 112: Applicant fails to specify the parameters of signals. Therefore claim 1 is still considered as being indefinite. Because the phrases in claim 1, line 5, “a generated signal”, and line 7, “a signal display” and “signal pattern” and line 8 “signal template”, and line 9 “a signal display controller”. The lack of clarity arises where the claim 1 refers to which one of those signals and it is not clear whether the phrases are having the same interpretation or not.
- ❖ Response to remarks on page 4, line 6: Applicant discloses that no evidence has been presented that one of ordinary skill in the art, when reading the claims in light of the specification, would not have been able to discover limited by the claim. Examiner interpretation of claims 4 and 16: refer to claims 4 and 16 line 3, “dividing the image of the signal pattern into a plurality of blocks”. Now in order one skilled in the art to be able to discover limited by the claims, some of the following information needed: Image blending, scaling, translation, attribute, storage, algorithms; and how the image is dividing, how the centers are determining, required more formulation for look-up table, how the circles are creating, and the formulations of decoding a pattern. These information would be very constructive to a person skilled in the art to make use of this invention. Also applicant on page 4, last paragraph discloses that claims 4 and 16 are supported by figures 12, 14, 16, 17 and 18. Contrary the figures do not provide essential and straightforward information to a person skilled in the art.

- ❖ Response to remarks on page 4, line 13, a plurality of mirrors are used to transmit signal patterns between a signal transmitting device and a signal receiving device having obstructions between them”. The type of mirror is not specified in specification. Applicant on page 4, line 14, discloses that mirrors are disclosed at page 37, lines 7-10 of specification. Here is the paragraph that supposes to provide more information about the mirrors: “It is to be appreciated by those of ordinary skill in the art that the present invention may preferably employ mirrors to enable communication among embedded devices around occlusions or obstructions.” Therefore the preceding paragraph does not provide the type and size and other appropriate parameters to one skilled in the art.
- ❖ Applicant on page 5, line 5, discloses that an allotted time is defined at, page 30 lines 15-17. The claim language “Allotted time” is not clear, because the interpretation of allotted is to assign as a share or portion time.
- ❖ Applicant on page 5, lines 5-13, discloses a method of how is collecting a plurality of blobs. Applicant refers to page 30 line 17 of specification (A blob is a group of adjoining pixels each having an identical pixel value). But applicant fails to specify the number of pixels in a group. The specification does not provide enough information to the question of “how is collecting a plurality of blobs?”
- ❖ Response to remakes on page 5, lines 14-16: applicant discloses the term “automatically adjusting” is described by Fig. 6 and at pages 22-23. Contrary the explanation does not provide information, in order to be able to identify how automatically adjusting?

- ❖ Response to remarks on page 5, lines 17-20: Applicant discloses that is unable to identify a step in claims 8 and 20 to be defined, refer to page 4, step 9 of office action.
- ❖ Response to remarks on page 6, lines 1-6: Claims 10 and 22, Applicant discloses that one of ordinary skilled in the art would understand how to pan for a position that does not overlap. In order the examiner to be able to examine the claim specifically, applicant should show the manipulation of panning in the specification. Applicant fails to response to comments from office action page 5 step 10.
- ❖ Response to remarks on page 6, lines 7-10: The reasons for the rejection of the claims 13 –14 and 25-26 from office action are as follows: the limitation and boundary condition of vertical positions need to be well demonstrated in specification. Applicant refers an explanation to above rejection at page 24, lines 1-8. Let's examine the referred page: "t (tilt) is the angle between the vertical direction that is pointing up and the viewing direction of the visual recording device, and p (pan) is the counterclockwise angle between the north direction (on a 2 dimensional plane) and the viewing direction of the visual recording device. Next, it is determined whether all possible viewing directions have been tried (step 715)". The above paragraph does not fulfill the reasons for the rejection of the claims 13 –14 and 25-26.

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- ❖ After Examiner's reconsideration of the rejection. Applicant should revise and provide the requested information. The rejection of previous office action is still maintained.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1-26 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Independent claims 1, 3 and 15 are claiming a controller for controlling position of display and another controller for controlling the orientation of a visual recording device; the applicant describes adjusting position of display and a visual recording device in pages 18-20 but does not specify, "How does the controlling section works? Does it control by a person or by a machine?".

Reference:

Eiband (5,240,207) teaches in Fig. 2-3, (col. 5, lines 22-49) the control displacement information of the support equipment (32) is transmitted from the ground station (30) to the air vehicle via standard telemetry techniques. A receiver located on the air vehicle (11) is adapted for receiving the flight command signal (35). As the flight command signal (35) is received, it is processed with an actuator control system (24) in order to engage and control the mechanical actuators

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(22). The processed information is then used to control the mechanical actuators (22), which in turn operate the control equipment (14). The operation of the control equipment (14) is done so as to exactly replicate the control displacements of the support equipment (32) at the ground station (30), and the communication between transmitting and receiving devices. Also Eiband teaches in (col. 4, lines 60-64) that a second video camera (27), which records and transmits takeoff and landing video images is also used. This second video camera (27) is also disposed in the cockpit (12) of the air vehicle (11). These second video signals (29) record information present exterior of the cockpit (12). These steps are inherent because in order to transmit/receive a signal a device should contained at least the following parts: a CPU, memory, signal generator, display, graphic controller, and image processing unit. And also zoom of visual recording device controller is inherent because in order to be able to determine the attitude (position) of aircraft by a camera, the zooming function plays an important role in this part, however, Eiband discloses in (col. 7, lines 4-6) that the second video camera (27) also presents aircraft attitude (position of an aircraft determined by the relationship between its axes and a references datum) information during flight. The steps of detecting and decoding are inherent because in order to transmit a signal from one point to another point a decoding device is required (Decoder is a device or program routine that converts coded data back to it original form. This can mean changing unreadable codes into readable text or changing one code to another, it is usually referred to as conversion).

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Specification

2. The disclosure is objected to because of the following informalities: Independent claim 1 is claiming a controller for controlling position of display, the applicant describes adjusting position of display in pages 18-20 but does not specify how the controlling section works.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 4, 5, 6, 8, 10, 13, 14, 16-18, 20, 22 and 25-26 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 1, 2, 4, 5, 6, 8, 10, 13, 14, 16-18, 20, 22 and 25-26 recite the limitation "see note below". There is insufficient antecedent basis for this limitation in the claim.

Note:

4. As part of claim 1, "a signal display controller" is not clear whether the applicant means the signal (signal conditioning) of display controller or signal of display controller (position of display).

5. As for claim 2, "wherein a plurality of mirrors are used to transmit signal patterns between a signal transmitting device and a signal receiving device having obstructions between them". The type of mirror is not specified in specification.

6. Claims 4 and 16 the steps are not defined explicitly in specification as follow: how the image is dividing; how the centers are determining; required more formulation for look-up table; how the circles are creating; and the formulations of decoding a pattern.
7. Claims 5 and 17, the steps are not defined explicitly in specification as follow: what is within an allotted time; method of calculating image differences is not specified in specification; and also the method of how is collecting a plurality of blobs.
8. Claims 6 and 18, the step of automatically adjusting is not defined in specification.
9. Claims 8 and 20, the step of groups of pixels value must be defined.
10. Claims 10 and 22, the step of panning for a position that does not overlap the first pan position needs to be shown by mathematical equations and Panning positions should be specified on the screen scans horizontally or vertically, and it is not specified in the claim.
11. Claims 13 –14 and 25-26, the limitation and boundary condition of vertical positions need to be well demonstrated in specification.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

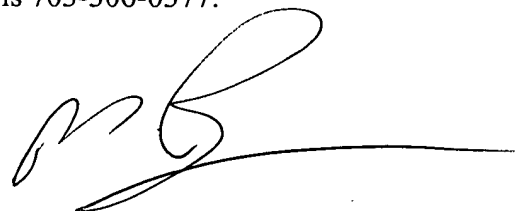
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A Amini whose telephone number is 703-605-4248. The examiner can normally be reached on 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-8705 for regular communications and 703-746-8705 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Javid Amini

July 15, 2003



MICHAEL RAZAVI
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